

REMARKS

Claims 1-56 were previously pending in this application. Applicant respectfully requests reconsideration of the instant application in view of the foregoing amendments and/or the following remarks. By this Amendment/Response claims 1, 21, 30, 39, and 56 have been amended to provide clarification, improve form, and/or correct minor typographical informalities. Applicant submits that support for the amended claims may be found throughout the originally filed specification, drawings and claims, and that no new matter has been added by way of this Amendment/Response. Applicant maintains that the original claims are in condition for allowance and explicitly reserves the right to add/pursue the original claims at a later time and/or in one or more continuation and/or divisional applications. Claims 1-56 are currently pending.

Claim Rejections - 35 U.S.C. § 112

The Office Action rejected claims 1-56 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement; rejected claims 1-56 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite; and rejected claims 30-38 under 35 U.S.C. § 112, sixth paragraph. Applicant respectfully traverses these rejections and submits that a *prima facie* showing has not been established.

With regard to the rejection under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement, the Examiner alleges:

The claims as amended recite "said group of unused substitute addresses is user specific". The specification provides no support for this limitation. At best the specification describes a group of unused substitute addresses and separately a single user-specific

address. However, the specification does not describe the group of unused substitute addresses [as] being user specific.
(Office Action, p. 2, §4)

Applicant respectfully traverses this rejection, and submits that the noted claims all satisfy the requirements of 35 U.S.C. § 112, first paragraph, and that the instant specification describes "the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention" [MPEP § 2163 (I)]. By way of non-limiting example, Applicant submits that evidence of sufficient written description may be found in application paragraph nos. [0025], [0026], and [0027]. For example application paragraph [0025] recites, *inter alia*:

The use of dark space and requestor-specific address resolution can assist in detecting attempts at malicious or unauthorized access to network 102 or resources 106 on network 102...Rather than associating a single IP address with a resource 106, system 100 can provision a large block of IP addresses...
(emphasis added)

In another example, paragraph [0026] recites, *inter alia*:

The function can uniquely identify the returned address with the address request ... the requestor's IP address and the time of request can be hashed to a number ... to obtain a value that can be associated, or mapped, with one address of the block of IP addresses ... so as to provide a return address ...

And, furthermore, paragraph [0027] recites, *inter alia*, "[t]he use of the requestor's IP address in providing the returned address can effectively eliminate access by spoofed source addresses." Applicant submits additional description and support may be found elsewhere and throughout the originally filed specification, drawings and claims.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection and allowance of claims.

Applicant further submits that the Examiner has not put forth a *prima facie* showing of a lack of written description. The MPEP prescribes that "[a] description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption," that "[t]he examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims." [MPEP § 2163 (III) (A)]. In the Office Action, the Examiner has alleged that "the specification does not describe the group of unused substitute addresses [as] being user specific." (Office Action, p. 2, § 4). Applicant respectfully disagrees and submits that there is no requirement that the claims adhere to verbatim descriptions of the specification. In fact, the MPEP states "[t]he subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement" [MPEP § 2163.02]. Instead, as made clear in MPEP § 2163 (I), "[t]o satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention." Applicant submits the pending rejection has not put forth said "sufficient evidence" as prescribed by MPEP § 2163 (III) (A). Accordingly, Applicant submits that a *prima facie* showing of lack written description has not been established, and respectfully requests reconsideration and withdrawal of this basis of rejection. Should the Examiner maintain the rejection, Applicant respectfully requests

that the Examiner provide reasons establishing, "by a preponderance of the evidence," why he believes "a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed," as required, *inter alia*, by MPEP § 2163 (III)(A). Should the Examiner maintain the rejection, Applicant further requests that the Examiner "suggest amendments to the claims which can be supported by the application's written description," as prescribed by MPEP § 2163 (III)(A).

With regard to rejected claims 1-56 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, the pending rejection has specifically alleged that, "[c]laims 1, 21, 30 and 39 recite 'said address' in multiple lines of the claims; there are many different addresses presented in the claims" (Office Action, p. 3, §4). Although Applicant respectfully traverses this rejection, and submits that the noted claims are clear and definite within the requirements of 35 U.S.C. § 112, second paragraph, Applicant has amended these claims to provide further clarification. For example, independent claim 1 recites, *inter alia*, "... receiving a request from a user at a user address to obtain a target address; obtaining said target address" Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection and allowance of the claims.

Furthermore, the Office Action rejected claims 30-38 alleging "[c]laims 30-38 contain means (or step) plus function limitations that invokes 35 U.S.C. 112, sixth paragraph" (Office Action, p. 3, §5). Applicant respectfully traverses this rejection, and submits that the noted claims are sufficiently supported by limitations corresponding to structure, material or acts, as described in the originally filed specification, drawings and claims.

By way of non-limiting example, Applicant notes said structure, material, or acts pertaining to claim 30 may be found in application paragraphs nos. [0023], and [0026]-[0028]; said structure, material, or acts pertaining to claim 31 may be found in paragraph no. [0026]; said structure, material, or acts pertaining to claim 32 may be found in paragraph nos. [0028] and [0030]; said structure, material, or acts pertaining to claim 33 may be found in paragraph no. [0028]; said structure, material, or acts pertaining to claim 34 may be found in paragraph nos. [0030]-[0031]; said structure, material, or acts pertaining to claim 35 may be found in paragraph no. [0029]; said structure, material, or acts pertaining to claim 36 may be found in paragraph no. [0036]; said structure, material, or acts pertaining to claim 37 may be found in paragraph nos. [0023]-[0026]; and said structure, material, or acts pertaining to claim 38 may be found in paragraph [0035]. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this basis of rejections. Should the Examiner maintain the rejection, Applicants respectfully request further clarification why the Examiner thinks these claims fail to satisfy 35 U.S.C. 112, sixth paragraph.

Specification

The specification has been objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter (see Office Action page 5, § 1). Applicant respectfully disagrees and submits that proper antecedent basis exists for all claimed subject matter for at least similar reasons as those discussed above responding to rejections of claims under 35 U.S.C. § 112. Accordingly, Applicant respectfully submits that the Examiner's objections to the claims have been overcome.

CONCLUSION

In summary, Applicant submits that independent claims 1, 21, 30 and 39 are patentably distinct from the cited reference for at least the reasons discussed above. Applicant submits that claims 2-20, 22-29, 31-38 and 40-56, which are directly or indirectly dependent from independent claims 1, 21, 30 and 39, are also patentably distinct from the cited reference for at least the reasons discussed above.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future. Furthermore, Applicant submits that the originally filed claims are patentably distinct from the cited reference. As such, Applicant reserves the right to pursue the originally filed claims, as well as claims directly or indirectly dependent on originally filed claims, in one or more continuation application(s). Accordingly, Applicant respectfully requests reconsideration/further examination of the instant application in view of the foregoing Amendments/Remarks.

Authorization

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 19161-010. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 19161-010.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,
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